

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Hugh R. Sharkey et al. Art Unit : 3739
Serial No. : 09/664,473 Examiner : David M. Shay
Filed : September 18, 2000
Title : IN VIVO FORMED THERMALLY CONTRACTED COLLAGEN TISSUE

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Applicants request consideration of the references listed on the attached PTO-1449 form. Under 37 C.F.R. § 1.98 (a)(2)(ii), only copies of foreign patent documents and/or non-patent literature are enclosed.

A courtesy copy of the Information Disclosure Statement and PTO Form 1449 filed August 22, 2006 is also attached. Applicants note that they have not received an initialed copy of the PTO Form 1449 and request that the Examiner forward an initialed copy.

This statement is being filed within three months of the filing date of the application or before the receipt of a first Office Action on the merits. Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: May 24, 2006

Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (202) 783-2331



Phyllis K. Kristal
Reg. No. 38,524

Substitute Form PTO-1449 (Modified)		U.S. Department of Commerce Patent and Trademark Office	Attorney's Docket No. 14170-043002	Application No. 09/664,473
Information Disclosure Statement by Applicant (Use several sheets if necessary) (37 CFR §1.98(b))		Applicant Hugh R. Sharkey et al.		
		Filing Date September 18, 2000	Group Art Unit 3739	

U.S. Patent Documents							
Examiner Initial	Desig. ID	Document Number	Publication Date	Patentee	Class	Subclass	Filing Date If Appropriate
	AA	4,140,130	02/20/1979	Storm, III			
	AB	4,565,200	01/21/1986	Cosman			
	AC	4,685,459	8/11/1987	Koch et al.			
	AD	5,137,530	08/11/1992	Sand			
	AE	5,168,880	12/08/1992	Sogawa et al.			
	AF	5,540,681	07/30/1996	Strul et al.			
	AG	5,718,702	02/17/1998	Edwards			
	AH	5,735,846	04/07/1998	Panescu et al.			
	AI	6,096,029	08/01/2000	O'Donnell, Jr.			
	AJ	6,113,591	09/05/2000	Whayne et al.			
	AK	6,171,306	01/09/2001	Swanson et al.			
	AL	6,241,753	06/05/2001	Knowlton			
	AM	6,277,116	08/21/2001	Utely et al.			
	AN	6,350,276	02/26/2002	Knowlton			
	AO	6,425,912	07/30/2002	Knowlton			
	AP	6,430,446	08/06/2002	Knowlton			

Foreign Patent Documents or Published Foreign Patent Applications							
Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation
							Yes No
	AQ	96/00036	01/04/1996	PCT			X
	AR	96/00040	01/04/1996	PCT			X
	AS	96/39967	12/19/1996	PCT			X
	AT	0 479 482	05/01/1996	Europe			X
	AU	0 480 639	04/15/1992	Europe			X
	AV	0 521 595	05/12/1999	Europe			X

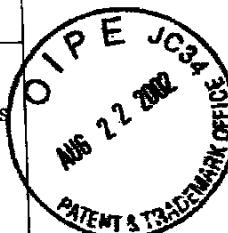
Other Documents (include Author, Title, Date, and Place of Publication)							
Examiner Initial	Desig. ID	Document					
Examiner Signature				Date Considered			
EXAMINER: Initials citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

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Information Disclosure Statement by Applicant (Use several sheets if necessary) (37 CFR §1.98(b))		Applicant Hugh R. Sharkey et al.	
		Filing Date September 18, 2000	Group Art Unit 3739

Other Documents (include Author, Title, Date, and Place of Publication)		
Examiner Initial	Desig. ID	Document
	AW	Shuyter, "Radiofrequency Lesions in the Treatment of Cervical Pain Syndromes", <u>RADIONICS, INC.</u> (1989)
	AX	Cosman et al., Theoretical Aspects of Radiofrequency lesions in the Dorsal Root Entry Zone, Vol. 15, No. 6 (1984), pp. 945-950.
	AY	Wilkins et al., "Method of Making Nervous System Lesions", <u>Neurosurgery</u> , ch. 337, pp. 2490-2499.
	AZ	Gottlob et al., "Holmium: YAG Laser Ablation of Human Inervertebral Disc: Preliminary Evaluation", <u>LASERS IN SURGERY AND MEDICINE</u> , Vol. 12, (1992) pp. 86-91.
	BA	Kuhns, J. et al., "Laser Injury in Skin", <u>Laboratory Investigation</u> , Vol. 17, No. 1, 1-13 (1967).
	BB	Anderson, R., et al., "Selective Photothermolysis: Precise Microsurgery by Selective Absorption of Pulsed Radiation", <u>Science</u> , Vol. 220, 524-527 (April 1983).

Examiner Signature	Date Considered
EXAMINER: Initials citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

EGF

Attorney's Docket No. 14170-043002	Express Mail Label No.	Mailing Date August 22, 2002	For PTO Use Only <i>Do Not Mark in This Area</i>
Application No. 09/664,473	Filing Date September 18, 2000	Attorney/Secretary Init PKK/BXD/egf	
Title of the Invention IN VIVO FORMED THERMALLY CONTRACTED COLLAGEN TISSUE			
Applicant Hugh R. Sharkey et al.			
Enclosures ·Information Disclosure Statement (1 page) ·Forms PTO-1449 and PTO-892 (21 pages) and 2 cited references ·Request for Corrected Official Filing Receipt (1 page plus 2 pages of attachment)			

CEL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Hugh R. Sharkey et al. Art Unit : 3739
Serial No. : 09/664,473 Examiner : D. Shay
Filed : September 18, 2000
Title : IN VIVO FORMED THERMALLY CONTRACTED COLLAGEN TISSUE

Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Applicant submits the attached forms PTO-1449 and PTO-892.

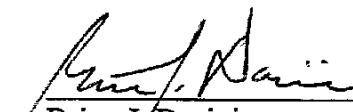
Under 35 USC §120, this application relies on the earlier filing date of application serial number 08/696,051, filed on September 18, 2000, and 08/637,095, filed April 24, 1996.

Attached hereto are twenty-one (21) pages of Forms PTO-1449 and PTO-892 that were submitted to and/or cited by the Office in the prior applications and, therefore, are not provided in this application. Also submitted herewith is a new PTO-1449 with two articles that were submitted in connection with Applicants' arguments in a response in parent application Serial no. 08/696,051.

This statement is being filed within three months of the filing date of the RCE in the present application or before the receipt of a first Office action on the merits. Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: Aug. 22, 2002



Brian J. Dorini
Reg. No. 43,594

Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (202) 783-2331

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Information Disclosure Statement by Applicant (Use several sheets if necessary) (37 CFR §1.98(b))		Applicant Hugh R. Sharkey et al.		
		Filing Date September 18, 2000	Group Art Unit 3739	

U.S. Patent Documents							
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	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

Foreign Patent Documents or Published Foreign Patent Applications							
Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	AL						
	AM						
	AN						
	AO						
	AP						

Other Documents (include Author, Title, Date, and Place of Publication)		
Examiner Initial	Desig. ID	Document
	AQ	Fine, B.S., and Yanoff, Y., <u>Ocular Histology</u> , 2 nd Ed., pp. 130-159, Harper & Row, Hagerstown, Maryland, 1979
	AR	Zinn, K.M., and Mockel-Pohl, S., "The Lens and Zonules," <u>Ocular Fine Structure for the Clinician</u> , Vol. 13, No. 3, 1973, pp. 143-155
	AS	
	AT	

Examiner Signature	Date Considered
EXAMINER: Initials citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

INFORMATION DISCLOSURE CITATION PTO-1449		ATTY. DOCKET NO. 17616-729		SERIAL NO. 08/696,051			
		APPLICANT Hugh Sharkey et al.					
		FILING DATE August 13, 1996		GROUP 3739			
		U.S. PATENT DOCUMENTS					
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE	
	4,381,007	4/26/83	Doss	128	303.1		
	4,955,378	9/11/90	Grasso	128	421		
	5,423,815	6/13/95	Fugo	606	50		
	5,230,334	7/27/93	Klopotek	128	399		
	5,603,709	2/18/97	Johnson	606	5		
	5,741,245	4/21/98	Cozean et al.	606	5		
	6,036,688	3/14/00	Edwards	606	34		
	6,079,417	6/27/00	Fugo	128	898		
FOREIGN PATENT DOCUMENTS							
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						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
EXAMINER		DATE CONSIDERED					

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

SERIAL NO.	GROUP/ART UNIT	ATTACHMENT TO PAPER NUMBER
08/637095	3311	3

NOTICE OF REFERENCES CITED

APPLICANT(S)

Lax et al

U.S. PATENT DOCUMENTS

*	DOCUMENT NO.	DATE	NAME	CLASS	SUB-CLASS	FILING DATE IF APPROPRIATE
A	3 7 76 230	12/4/73	Neefe	604	20	
B	5 2 01 730	4/13/93	Easley et al	606	14	
C	5 3 04 169	4/19/94	Sand	606	5	
D	5 4 5 8 5 76	10/17/95	Lax et al	606	31	
E	5 4 6 5 7 3 7	11/14/95	Schachar	606	5	
F	5 5 6 9 2 4 2	10/29/96	Lax et al	606	41	
G						
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I						
J						
K						

FOREIGN PATENT DOCUMENTS

*	DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS	SUB-CLASS	PERTINENT SHTS. DWG	PP. SPEC.
L								
M								
N								
O								
P								
Q								

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

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EXAMINER	DATE
<i>David S.</i>	9/30/97

* A copy of this reference is not being furnished with this office action.
(See Manual of Patent Examining Procedure, section 707.05 (a).)

INFORMATION DISCLOSURE CITATION PTO-1449	ATTY. DOCKET NO. 17616-784	SERIAL NO. 08/637,095
	APPLICANT Lax et al.	
	FILING DATE April 24, 1996	GROUP 3736

U.S. PATENT DOCUMENTS

EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	3,178,728	4-20-65	Christensen	3	1	10-22-62
	3,579,643	5-25-71	Morgan	3	1	12-12-68
	3,867,728	2-25-75	Substad et al.	3	1	4-5-73
	3,879,767	4-29-75	Substad	3	1	2-11-74
	3,886,600	6-3-75	Kahn et al.	3	1	9-26-73
	3,938,198	2-17-76	Kahn et al.	3	1,912	9-27-73
	3,987,499	10-26-76	Scharbach et al.	3	1.91	8-9-74
	3,992,725	11-23-76	Homsy	3	1	10-17-74
	4,043,342	8-23-77	Morrison, Jr.	128	303.14	2-26-76
	4,085,466	4-25-78	Goodfellow et al.	3	1.91	8-4-77

FOREIGN PATENT DOCUMENTS

EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	637118	15/12/78	U.S.S.R.	A61B	17/18		XX
	1 340 451	12/12/73	Great Britain	A61F	1/00		
	1,122,634	11/09/56	France	A61F	19/0		XX
	0 479 482 A1	08/04/92	Europe	A61B	17/39		
	0 479 482 B1	01/05/96	Europe	A61B	17/39		
	0 542 412 A1	19/05/93	Europe	A61B	17/39		

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	Christian, C. et al., "Allograft Anterior Cruciate Ligament Reconstruction with Patellar Tendon: An Endoscopic Technique", <i>Operative Techniques in Sports Medicine</i> , Vol. 1, No. 1, Jan. 1993, pp. 50-57.
	Houpt, J. et al., "Experimental Study of Temperature Distributions and Thermal Transport During Radiofrequency Current Therapy of the Intervertebral Disc", <i>SPINE</i> , Vol. 21, No. 15, (1996), pp. 1808-13.
	Troussier, B. et al., "Percutaneous Intradiscal Radio-Frequency Thermocoagulation: A Cadaveric Study", <i>SPINE</i> , Vol. 20, No. 15, (Aug. 1995), pp. 1713-18.
EXAMINER	DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

INFORMATION DISCLOSURE CITATION PTO-1449		ATTY. DOCKET NO. 17616-784		SERIAL NO. 08/637,095		
		APPLICANT Lax et al.				
		FILING DATE April 24, 1996		GROUP 3736		
U.S. PATENT DOCUMENTS						
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	4,129,470	12-12-78	Homsy	156	155	6-7-76
	4,224,696	9-30-80	Murray et al.	3	1.911	9-8-78
	4,224,697	9-30-80	Murray et al.	3	1.911	9-8-78
	4,326,529	4-27-82	Doss et al.	128	303.1	12-5-79
	4,344,193	8-17-82	Kenny	3	1.911	11-28-80
	4,362,160	12-7-82	Hiltebrandt	128	303.15	7-17-80
	4,375,220	3-1-83	Matvias	128	804	5-9-80
	4,381,007	4-26-83	Doss	128	303.1	4-30-81
	4,397,314	8-9-83	Vaguine	128	399	8-3-81
	4,483,338	11-20-84	Bloom et al.	128	303.13	6-12-81
	4,517,965	5-21-85	Ellison	128	20	6-27-83
	4,517,975	5-21-85	Garito et al.	128	303.13	6-6-83
	4,593,691	6-10-86	Lindstrom et al.	128	303.14	7-13-83
	4,597,379	7-1-86	Kihn et al.	128	1 R	3-30-83
FOREIGN PATENT DOCUMENTS						
EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
						YES
	0 572 131 A1	01/12/93	Europe	A61B	17/39	
	WO 85/02762	04/07/85	PCT	A61B	17/36	XX
	WO 93/01774	04/02/93	PCT	A61F	7/12	XX
	WO 95/20360	03/08/95	PCT	A61B	17/39	
	WO 95/30373	16/11/95	PCT	A61B	17/00	
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)						
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	FILING DATE April 24, 1996	GROUP 3736

U.S. PATENT DOCUMENTS

EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	4,811,733	3-14-89	Borsanyi et al.	128	303.14	12-29-86
	4,873,976	10-17-89	Schreiber	128	334 R	2-28-84
	4,894,063	1-16-90	Nashef	623	13	5-24-83
	4,895,148	1-23-90	Bays et al.	606	213	3-22-89
	4,907,585	3-13-90	Schachar	606	28	12-3-87
	4,907,589	3-13-90	Cosman	606	34	4-29-88
	4,924,865	5-15-90	Bays et al.	606	77	5-16-88
	4,944,727	7-31-90	McCoy	604	95	10-2-87
	4,950,234	8-21-90	Fujioka et al.	604	60	5-25-88
	4,966,597	10-30-90	Cosman	606	50	11-4-88
	4,976,709	12-11-90	Sand	606	5	6-30-89
	4,976,715	12-11-90	Bays et al.	606	77	1-30-90
	4,998,933	3-12-91	Eggers et al.	606	41	6-10-88
	5,007,908	4-16-91	Rydell	606	47	9-29-89
	5,009,656	4-23-91	Reimels	606	48	8-17-89
	5,100,402	3-31-92	Fan	606	41	10-5-90
	5,103,804	4-14-92	Abele et al.	128	4	7-3-90
	5,178,620	1-12-93	Eggers et al.	606	41	2-22-91

FOREIGN PATENT DOCUMENTS

EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO

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		FILING DATE April 24, 1996		GROUP 3736		
U.S. PATENT DOCUMENTS						
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	5,191,883	3-9-93	Lennox et al.	128	401	5-22-90
	5,201,729	4-13-93	Hertzmann et al.	606	2	11-30-90
	5,213,097	5-25-93	Zeindler	128	401	7-13-92
	5,230,334	7-27-93	Klopotek	128	399	1-22-92
	5,242,441	9-7-93	Avitall	606	41	2-24-92
	5,261,906	11-16-93	Pennino et al.	606	46	12-9-91
	5,275,151	1-4-94	Shockey et al.	128	4	12-11-91
	5,284,479	2-8-94	de Jong	604	60	7-13-92
	5,311,858	5-17-94	Adair	128	4	6-15-92
	5,320,115	6-14-94	Kenna	128	898	1-16-91
	5,323,778	6-28-94	Kandarpa et al.	128	653.2	11-5-91
	5,334,193	8-2-94	Nardella	606	41	11-13-92
	5,348,554	9-20-94	Imran et al.	606	41	12-1-92
	5,366,443	11-22-94	Eggers et al.	604	114	10-9-92
	5,433,739	7-18-95	Sluijter et al.	607	99	11-2-93
FOREIGN PATENT DOCUMENTS						
EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)						
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U.S. PATENT DOCUMENTS

EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	5,484,403	1-16-96	Yoakum et al.	604	59	4-5-94
	5,484,432	1-16-96	Sand	606	5	4-14-94
	5,484,435	1-16-96	Fleenor et al.	606	46	11-8-93
	5,507,812	4-16-96	Moore	623	13	4-26-94
	5,514,130	5-7-96	Baker	606	41	10-11-94
	5,542,920	8-6-96	Cherif Cheikh	604	57	9-12-94
	2,090,923	8-24-37	Wappler	128	303.15	7-12-35
	3,856,015	12-24-74	Iglesias	128	303.15	6-8-73
	3,945,375	3-23-76	Banko	128	6	4-30-73
	4,134,406	1-16-79	Iglesias	128	303.15	10-7-77
	4,476,862	10-16-84	Pao	128	303.17	9-30-82
	4,590,934	5-27-86	Malis et al.	128	303.14	5-18-83
	4,651,734	3-24-87	Doss et al.	128	303.14	2-8-85
	4,815,462	3-28-89	Clark	128	305	4-6-87
	4,838,859	6-13-89	Strassmann	604	95	5-19-87
	4,955,882	9-11-90	Hakky	606	14	3-30-88

FOREIGN PATENT DOCUMENTS

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EXAMINER	DATE CONSIDERED
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	5,085,657	2-4-92	Ben-Simhon	606	42	10-9-90
	5,098,430	3-24-92	Fleenor	606	42	3-16-90
	5,186,181	2-16-93	Franconi et al.	128	804	7-27-90
	5,192,267	3-9-93	Shapira et al.	604	22	3-28-91
	5,308,311	5-3-94	Eggers et al.	606	28	5-1-92
	5,342,357	8-30-94	Nardella	606	40	11-13-92
	5,352,868	10-4-94	Denen et al.	219	501	5-1-92
	5,354,331	10-11-94	Schachar	623	4	7-15-92
	5,364,395	11-15-94	West, Jr.	606	46	5-14-93
FOREIGN PATENT DOCUMENTS						
EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
						YES
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INFORMATION DISCLOSURE CITATION PTO-1449		ATTY. DOCKET NO. 17616-784		SERIAL NO. 08/637,095		
		APPLICANT Lax et al.				
		FILING DATE April 24, 1996		GROUP 3736		
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	5,382,247	1-17-95	Cimino et al.	606	33	1-21-94
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		APPLICANT Lax et al.				
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		APPLICANT Laax et al.				
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SERIAL NO.

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GROUP ART UNIT

3739

ATTACHMENT
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12

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Lan et al

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* A copy of this reference is not being furnished with this office action.
 (See Manual of Patent Examining Procedure, section 707.05 (a).)

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		APPLICANT Ronald G. Lax					
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EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	2 645 008	3/28/89	France	A61B	17/32		
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		APPLICANT Ronald G. Lax				
		FILING DATE April 24, 1996		GROUP 3739		
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EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	
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		APPLICANT Ronald G. Lax				
		FILING DATE April 24, 1996		GROUP 3739		
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SERIAL NO.	GROUP ART UNIT	ATTACHMENT TO PAPER NUMBER
08/637,095	3739	29

APPLICANT(S)

Lau et al

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*	DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS	SUB-CLASS	PERTINENT SHTS. DWG	PP. SPEC.
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<i>D. T. Shy</i>	March 20, 2001

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FORM PTO-892 (REV. 2-82) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE			SERIAL NO.	GROUP ART UNIT	ATTACHMENT TO PAPER NUMBER			
			08/651,395	5737				
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#	DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS	SUB-CLASS	PERTINENT SHTS. DWG.	PP. SPEC.
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